

CERTIFIED MAIL

Ms. Mimi Feliciano
Principal
Hudson Meadows Urban Renewal
Development Corporation
525 Riverside Avenue
Lyndhurst, New Jersey 07071

RE: Remedial Investigation/Feasibility Study (RI/FS)
Diamond Head Oil Refinery Site ("Site")
Kearny, Hudson County, New Jersey

Dear Ms. Feliciano:

This is in response to your October 4, 1999 letter regarding the above-referenced issue.

As we informed you in a previous communication (March 2, 1999), Potentially Responsible Parties (PRP) under the Comprehensive Environmental response, Compensation and Liability Act of 1980, as amended (CERCLA) include, among others, the current and past owners and/or operators of a facility from there has been a release or threatened release of hazardous substances; therefore as a PRP, you are potentially jointly and severally liable for EPA's costs, plus interest.

Given the fact that you wish your consultant (ELM) to perform the RI/FS, and that we provided you in March with a draft of the Consent Order, please advise EPA in writing, within ten (10) days of the date of this letter, if you are willing to enter into good faith negotiations to conduct it, complying with all our requirements as previously outlined.

Please note that any agreement by the PRP to conduct the RI/FS must be memorialized in the Consent Order, and that many of the provisions in the Order are nationally consistent boiler-plate provisions that the United States does not plan to negotiate.

Please contact Mr. Clay Monroe at (212) 637-3142 if have any questions regarding this letter.

We appreciate your immediate attention to this matter.

Sincerely yours,

Richard L. Caspe, Director
Emergency and Remedial Response Division

300358



cc: Lisa Rosman, NOAA
Andrew Raddant,
U.S. Department of Interior
Bruce Venner, New Jersey Department
of Environmental Protection

bcc: Grisell V. Díaz-Cotto
Clay Monroe, ORC